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cont* controlling the reproduction of the audio data recorded on the first recording area of the medium based on the control information.

A marked-up copy of the amended claims is attached as required under 37 C.F.R. § 1.121.

### REMARKS

The above amendments and following remarks are fully and completely responsive to the Office Action dated November 20, 2002. Claims 7-46 are pending in this application. In the outstanding Office Action, the drawings were objected to under 37 C.F.R. § 1.83(a); the disclosure was objected to under MPEP § 608.01(o); claims 15-22 were objected to; claims 7-46 were rejected under 35 U.S.C. § 102(e). No new matter has been added. Claims 7-46 are presented for reconsideration.

### **Drawing Objection**

The drawings were objected to under 37 C.F.R. § 1.83(a). The Office Action stated that the drawings were objected to for failing to show every feature of the invention specified in the claims. Specifically, the Office Action stated that "a second recording device" must be shown or the feature cancelled from the claim. Applicants have amended claim 15 to delete "second" from this claim, such that only a single recording device is recited. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the drawings.

## **Specification Objections**

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Office Action states that it could not find an antecedent basis for “a second recording device” as recited in claim 15. Applicants have amended claim 15 to remove “second” so that only a single recording device is recited. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the specification.

## **Claim Objection**

Claims 15-22 were objected to for reciting “a second recording device”. The Office Action noted that neither the specification nor the figures appeared to disclose a second recording device. Applicants have amended claim 15 to remove “second” such that the claim now recites a single recording device. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claims 15-22.

## **35 U.S.C. § 102(e)**

Claims 7-46 were rejected under 35 U.S.C. § 102(e) as being anticipated by Aoki (U.S. Patent No. 6,243,220). In making this rejection, the Office Action asserts that this reference teaches each and every element of the claimed invention. Applicants request reconsideration of this rejection.

Claim 7 recites a recording medium including a first recording area in which an audio stream containing audio data is recorded. A second recording area in which control information is recorded is located in a different position from the first recording

area. The control information includes application information indicating whether or not the audio stream contains audio data with different recording modes.

Aoki teaches a video tape recorder that arranges a video signal area and a plurality of audio signal areas in series. These signals are recorded on tracks of a magnetic tape. The video tape recorder records an audio mode information signal for each audio signal area in a sub-code area which forms the leading portion of each audio signal area. The audio signal and the audio mode information are recorded in one area as a group. Accordingly, the audio mode information of Aoki is identical to the real time audio mode. When reproducing the audio data, the audio mode information corresponding to each audio area is detected from the sub-code area. Based on this audio mode information, the audio signal fed from each audio area is decoded to output.

In contrast, the application information of the present invention indicates whether or not the audio stream contains the audio information with different recording modes. In the example shown in Figure 3, the application information is recorded at the second recording position, i.e., within VMG as part of the management information. This recording position is different from the first recording position of the audio information.

Aoki also fails to disclose whether or not the audio information with different recording modes is mixed in one audio stream. The recording position of the audio data and the audio mode in Aoki are different than the present claims. Accordingly, Aoki fails to teach and/or suggest the claimed invention. Specifically, Aoki fails to teach and/or disclose a second recording area on which control information is recorded, the second recording area located in a different position from the first recording area. The control information includes application information indicating whether or not the audio stream

contains audio data with different recording modes. Since Aoki fails to disclose and/or suggest each and every element of the claimed invention, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 7-46 under 35 U.S.C. § 102(e).

## **Conclusion**

Applicants' amendments and remarks have overcome the objections and rejections set forth in the Office Action dated November 20, 2002. Specifically, Applicants' amendments to the claims have overcome the objection to the drawings under 37 C.F.R. § 1.83(a); the objection to the specification; and the objection to claims 15-22. Applicants' remarks have distinguished claims 7-46 from Aoki and thus overcome the rejection of these claims under 35 U.S.C. § 102(e). Accordingly, claims 7-46 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 7-46.

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300 making reference to attorney docket number 107156-09071.

Respectfully submitted,



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Enclosures: Marked-Up Copy of Amended Claims  
Petition for Extension of Time

**MARKED-UP COPY OF AMENDED CLAIMS**  
**AS REQUIRED UNDER 37 C.F.R. § 1.121**

7. (Amended) A recording medium comprising:

    a first recording area on which an audio stream containing audio data is recorded; and

    a second recording area on which control information is recorded, the second recording area located in a different position from the first recording area,

    wherein the control information includes application information indicating whether or not the audio stream contains audio data with different recording modes.

15. (Amended) A system for recording audio data on a recording medium comprising:

    a [first] recording device which records audio data on a first recording area of the recording medium as an audio stream; and

    a generating device which generates control information including application information indicating whether or not the audio stream contains audio data with different recording modes; [and]

wherein the [a second] recording device [which] records the control information on a second recording area, located in a different position from the first recording area, of the recording medium.

23. (Amended) A system for reproducing audio data from a recording medium comprising a first recording area on which an audio stream containing the audio data is recorded, and a second recording area on which control information is recorded, the second recording area located in a different position from the first recording area, wherein the control information includes application information

indicating whether or not the audio stream contains audio data with different recording modes,

the system comprising:

a reading device which reads the control information from the second recording area of the recording medium[,]; and

a controller which controls the reproduction of the audio data recorded on the first recording area of the medium based on the control information.

31. (Amended) A method of recording audio data on a recording medium comprising the steps of:

recording audio data on a first recording area of the recording medium as an audio stream;

generating control information including application information indicating whether or not the audio stream contains audio data with different recording modes; and

recording the control information on a second recording area, located in a different position from the first recording area, of the recording medium.

39. (Amended) A method of reproducing audio data from a recording medium comprising a first recording area on which an audio stream containing the audio data is recorded, and a second recording area on which control information is recorded, the second recording area located in a different position from the first recording area, wherein the control information includes application information indicating whether or not the audio stream contains audio data with different recording modes,

the method comprising the steps of:

reading the control information from the second recording area of the recording medium[,]; and

controlling the reproduction of the audio data recorded on the first recording area of the medium based on the control information.